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Little Traverse Bay Bands of Odawa Indians
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DNA Paternity Regulations
REG-WOS 2008-006-080514-001 A

I. Purpose. The purpose of these DNA Paternity Regulations is to provide the option of submitting DNA Test Results as a means of establishing paternity in support of an application for enrollment or in support of a request to adjust the recognized blood quantum level of a person who is an enrolled LTBB member. These regulations apply to persons who voluntarily submit DNA Test Results to the LTBB Enrollment Office for consideration.

II. Definitions:

A. AABB: The American Association of Blood Banks. A professional, non-profit organization established in 1947 and dedicated to education, formulation of standards, policy and other facets of transfusion medicine. AABB accreditation of DNA testing facilities is widely recognized.

B. Biological Father: The genetic father of a child.

C. CLIA: Clinical Laboratory Improvements Amendments. The (CLIA) regulate laboratory testing and require clinical laboratories to be certificated by their state as well as the Center for Medicare and Medicaid Services (CMS) before they can accept human samples for diagnostic testing. Laboratories can obtain multiple types of CLIA certificates, based on the kinds of diagnostic tests they conduct. Three federal agencies are responsible for CLIA: The Food and Drug Administration (FDA), Center for Medicaid Services (CMS) and the Center for Disease Control (CDC). Each agency has a unique role in assuring quality laboratory testing.

D. DNA: (Deoxyribonucleic acid), the genetic blueprint that determines a person's biological characteristics.

E. DNA Testing: Testing through the use of deoxyribonucleic acid (DNA) to determine parentage.

F. Genetic Reconstruction: A type of DNA test performed to determine whether a child is related to a close relative of an alleged father. Genetic Reconstruction is an indirect way to determine family relationships when an alleged father is

not available for testing.

G. LTBB: Little Traverse Bay Bands of Odawa Indians.

H. Paternity: The status of being the biological father of a child.

I. Paternity test: A test using DNA identification or tissue-typing to determine whether a specific man is the biological father of a child.

J. Presumption of Paternity: When a child is born to a married couple, the husband is presumed to be the father of that child.

III. Limited Purpose(s) for which DNA Test Results can be used.

The LTBB Enrollment Office will accept DNA Test Results under the following specific circumstances:

- a. An application for enrollment has been filed
- b. An LTBB Citizen is seeking a blood quantum adjustment
- c. No father is named on the birth certificate.

IV. Burden of Proof.

- a. The burden of proof is on the applicant (or the person(s) acting for the applicant) to prove his/her eligibility for Tribal Citizenship by submitting the required documentation.
- b. All fees and costs associated with DNA testing shall be the responsibility of the person who submits the DNA Test Results.

V. Procedure for Submitting DNA Test Results.

Any person who wishes to submit DNA Test Results in support of an application for enrollment or in support of a request to adjust blood quantum levels shall observe the following requirements:

- a. The mother, child and alleged father shall be tested. If the mother is not available for testing, then the child and the alleged father shall be tested.
- b. The Probability of Paternity value indicated in the DNA Test Results must be at a value of 99.99 % or higher.

VI. Verification and Use of DNA Test Results by LTBB Enrollment Department.

When considering DNA Test Results to establish paternity or in support of a request to adjust blood quantum levels, the Enrollment Office shall use the following criteria:

- a. The DNA Test Results must be from an AABB-Accredited and CLIA-Certified laboratory.
- b. The DNA Test Results must originate and be sent directly by certified mail from the laboratory to the LTBB Enrollment Office. No indirect delivery from other parties will be accepted.
- c. The DNA Test Results must indicate the applicant's full name, date of birth and the parent(s) full name and date of birth, if applicable.

VII. The LTBB Enrollment Office will not accept or consider DNA Test Results for any of the following purposes:

- a. Paternity actions brought under the Paternity Act, MCLA 722.11
- b. Child Custody Act proceedings
- c. Actions under the Acknowledgment of Parentage Act, MCLA 722.1001
- d. If the Presumption of Paternity applies
- e. If a father is listed on the birth certificate
- f. If paternity has previously been established by the LTBB Tribal court or any other court of competent jurisdiction
- g. If Paternity is being challenged
- h. If Genetic Reconstruction is claimed
- i. If the DNA Test Results are from any laboratory that is not AABB-Accredited and CLIA-Certified, as verified by Enrollment Staff.

VIII. Citizenship Commission Review.

The LTBB Citizenship Commission shall review submitted documents and make a determination on whether the submitted documents support a change in blood quantum.

IX. Right of Appeal.

A. Any person who disagrees with a decision of the LTBB Enrollment Department or the Citizenship Commission may appeal as provided in the LTBB Constitution, Article V(H)(5), which states:

1. Any person whose application for membership has been denied, or who has relinquished or been disenrolled shall have a right of appeal to the Tribal Judiciary within one (1) year of such action.

2. Such appeal rights do not extend to any person whose petition for membership by adoption in the Little Traverse Bay Bands of Odawa Indians has been denied.

3. Nothing in this section is intended to prevent a person whose application has been denied from reapplying for membership at some future date.

X. Ownership

Any DNA Test Results submitted to the Enrollment Office in support of an application become the property of the LTBB Enrollment Office, as provided in WOS# 2008-006, the LTBB Citizenship Statute. Access to DNA Test Results contained in the files of the LTBB Enrollment Department shall be governed by Section XIX. Records of WOS# 2008-006, the LTBB Citizenship Statute.

XI. Authority

Pursuant to the Constitution of the Little Traverse Bay Bands of Odawa Indians, (Article V, Section I), the Tribal Council has authority to enact laws concerning eligibility for membership. The Tribal Council has enacted WOS 2008-006, codified at Section 2.101 to 2.123 of the LTBB Tribal Code, which provides that the Enrollment Office may consider "other documentation" that may provide support for descendants of persons enrolled under Section V. Descendant Eligibility including birth certificates, military records, church records, baptismal records, school records, and adoptive birth certificates and other such records, that shall include DNA Tests.

CERTIFICATION

As Chairman, I approve these DNA Paternity Regulations for Posting

Date: _____
Fred Kiogima, Tribal Chairman